

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

January 26, 2007

Board of Land and
Natural Resources
Honolulu, Hawaii

REQUEST FOR AUTHORIZATION TO ISSUE ONE
NORTHWESTERN HAWAIIAN ISLANDS STATE MARINE REFUGE
SPECIAL ACTIVITY PERMIT TO APPLICANT MS. AULANI WILHELM
OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT,
FOR CERTAIN MANAGEMENT ACTIVITIES WITHIN STATE WATERS,
VALID FROM FEBRUARY 1, 2007 TO DECEMBER 31, 2007

The Division of Aquatic Resources (DAR) hereby submits a request to the Board of Land and Natural Resources (the "Board") for authorization to issue one Northwestern Hawaiian Islands (NWHI) State Marine Refuge Special Activity Permit to Ms. 'Aulani Wilhelm (the "Applicant") of the Department of Commerce, National Oceanic and Atmospheric Administration, Northwestern Hawaiian Islands Marine National Monument, pursuant to the *Hawaii Administrative Rules*, §13-60.5, the *Hawaii Revised Statutes*, § 187A-6, and all other applicable laws and regulations.

The Special Activity Permit, as described below, will allow entry and management activities to occur in the NWHI State Marine Refuge (0-3 nautical miles) waters surrounding the following sites:

- Nihoa Island,
- Necker Island (Mokumanamana),
- French Frigate Shoals,
- Laysan,
- Maro,
- Gardner Pinnacles,
- Lisianski Island, Neva Shoal,
- Pearl and Hermes Atoll, and
- Kure Atoll State Wildlife Refuge.

The activities covered under this permit will occur from February 1, 2007 through December 31, 2007.

INTENDED ACTIVITIES:

The Northwestern Hawaiian Islands Marine National Monument (the "Monument") was created by Presidential proclamation and signed by President Bush on June 15, 2006, following a long line of federal legislations in providing protections of various levels for the land, waters and the precious resources in this vast and pristine area. It is the single largest conservation area under the U.S. flag, and the largest marine conservation area in the world. It encompasses 137,792 square miles of the Pacific Ocean – an area larger than all the country's national parks combined. Applicant is the Superintendent of the Monument.

The extensive coral reefs found in the NWHI – truly the rainforests of the sea – are home to over 7,000 marine species, one quarter of which are found only in the Hawaiian Archipelago. Many of the islands and shallow water environments are important habitats for rare species such as the threatened green sea turtle and the endangered Hawaiian monk seal. The NWHI are also of great cultural importance to Native Hawaiians with significant cultural sites found on the islands of Nihoa and Mokumanamana.

NOAA in concert with the U.S. Fish and Wildlife Service and the Department of Land and Natural Resources will perform coordinated management of the NWHI Hawaii State Marine Refuge, the NWHI Marine National Monument and the Hawaiian Islands National Wildlife Refuge to ensure proper care, protection and preservation of historic and scientific resources.

Scientific, cultural and maritime research are important parts of the overall operations of the Monument. The Monument's coral reef research program focuses on basic habitat characterization and compliments the work also undertaken by the NOAA-Fisheries Pacific Science Center's Coral Reef Ecosystem Division. Reef surveys have recorded the diversity and abundance of fishes, algae, corals, and other reef invertebrates at numerous locations throughout the archipelago. Historical and cultural resources such as shipwrecks have also been documented on shallow reefs by Monument and National Marine Sanctuary Pacific Region archaeologists. Research in deeper offshore waters has utilized multi-beam sonar and submersibles to document rarely seen biological resources and topographical features contained within Monument waters. The results of these shallow and deep-water research efforts will aid in the creation of joint management plans for the largest coral reef system in the United States.

This application is intended to cover all activities necessary to effectively manage the NWHI Marine National Monument. All activities to be conducted in the NWHI State Marine Refuge will be done in accordance with the Permitting Procedures, Criteria and Findings contained in Presidential Proclamation 8031, Northwestern Hawaiian Islands Hawaii State Marine Refuge Administrative Rules and the National Wildlife Refuge System Administration Act of 1966.

The manager's permit sought under this application will allow Applicant to conduct activities only for the purposes of resource protection, conservation, management and monitoring. Applicant describes the scope of activities in her application as follows:

1. Entrance into the State Marine Refuge by all authorized NOAA vessels conducting management activities under this permit.

2. Any activity as a necessary part of an emergency response, injury assessment, mitigation, restoration, and monitoring, in coordination with appropriate federal and State resource agencies and in accordance with appropriate federal and State laws and regulations.

These activities may include the following:

- a. Anchoring of authorized vessels on non-coral substrates only;
- b. Touching coral, living or dead, for the purpose of resource protection, conservation, management and monitoring;
- c. Returning of seized resources to their natural environment in coordination with appropriate federal and State resources agencies, as consistent with applicable legal authorities;
- d. Removal of exotic species by appropriate and necessary methods;
- e. Removal or relocation of protected species, as necessary to prevent adverse impacts on populations, in coordination with appropriate federal and State resources agencies, as consistent with applicable legal authorities;
- f. Removal of debris left behind from moorings, fishing and research activities or vessel groundings;
- g. Altering non-coral substrate other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands, including the following:
 - Placement of measuring devices and related equipment;
 - Placement of weighted floats and/or lines affixed directly to the seabed for the purposes of grounding response, or benthic surveys
 - Setting of survey stakes;
 - Coring the seabed to determine adequacy of the substrate of installation of moorings, and permanent monitoring stations
 - Installation and maintenance of moorings, boundary buoys, and permanent monitoring stations;
 - Manipulation, relocation, or removal of coral rubble for the purposes of determining suitability of equipment for response and restoration operations;
 - Placement of scientific equipment; and
- h. When necessary, swimming, snorkeling, or closed or open SCUBA diving to accomplish the above activities.

The above activities should be conducted for the purposes of resource protection, conservation, management and monitoring, in coordination with appropriate federal and State resources agencies and in accordance with the Permitting Procedures, Criteria and Findings contained within Presidential Proclamation 8031 and NWHI State Marine Refuge Administrative Rules.

All of the above activities will be conducted by NOAA NWHI Marine National Monument employees, contractors, volunteers or other Federal employees under the direction and administrative control of the Monument Superintendent in accordance with Presidential Proclamation 8031, the National Wildlife Refuge System Administration Act of 1966, as amended and the NWHI State Marine Refuge Administrative Rules.

REVIEW PROCESS:

The preliminary application was received by DAR on November 16, 2006, and was presented to the Board in its January 12, 2007 meeting. The amended application was received by DAR on January 17, 2007, and is now attached hereinafter for your review.

Scientific Reviews:

The preliminary permit application was sent out on November 16, 2006 for review and comment to the following scientific and governmental entities: DAR staff (5), Division of Forestry and Wildlife, Historic Preservation Division, and the Monument, and two Native Hawaiian entities. No negative comments or questions have been raised by the reviewers since then.

DAR reviewers are generally supportive of this application but expressed concerns for the scope of activities proposed by Applicant in this management permit application. Staff finds that the following tasks shall be considered as consistent with Applicant's management mission: entering the Refuge waters, anchoring and landing, and participating in other permitted activities such as cultural and education activities when acting as a Monument representative in a management capacity.

However, the other activities proposed by Applicant may not be necessary or justified under a management permit. They include taking or harvesting, possessing and transporting specimens, catching, killing, disturbing, observing wild animals, and interacting with sea turtles, monk seals, seabirds, live coral, ark shells or pearl oysters, jacks, grouper or sharks. These activities should be more accurately characterized as monitoring and research activities instead. If there is a need to undertake some of these activities for the purposes of response to an emergency incident, then they should be allowed but many of these activities seem incidental to the specific actions necessary to manage the resources and are thus more of a research and monitoring focus.

On the other hand, staff recognizes that there are situations in which immediate actions are necessary to understand the development of events and prevent further damages to resources or property. In such an event, Applicant should be able to perform management duties without being subject to a lengthy process of reviews and approvals, even though cross-agency consultations should still be justifiable.

This question was forwarded to Applicant who responded on November 29, 2006 and on subsequent occasions. The issue was also a discussion topic in a permits coordination group meeting on December 27, 2006.

Applicant's position is that the requested activities that have been identified at issue are intended to allow adequate and timely management response only to undertake necessary management actions, emergency response, remedial measures, and monitoring activities.

Previous Board Actions:

On January 12, 2007, the application was presented before the Board on a DAR submittal (BLNR, 01/12/2007, F-3) to request for authorization to issue permit. Applicant was present at the Board meeting and answered questions. However, there are several issues relating to the application that were unresolved during the meeting:

- Applicant should supply a statement as to why the non-management related activities are necessary. Or Applicant should amend her application to add clarification to her request for these activities.
- DAR has a strong reservation as to allow archeological research activities and Native Hawaiian cultural activities under the management permit. DAR's view is that such activities are not directly related to management purposes, are not likely to require emergency response actions, and should be permitted separately after the normal review process of Applicant's project proposals. Applicant stated that she would reconsider her position on these requests.
- There was some discussion as to whether the permit should be issued as a Scientific Research, Monitoring and Education Permit or as a Special Activity Permit, and whether the application had gone through a review process that requires the same level of scrutiny as for a Scientific Research, Monitoring and Education Permit.
- There were also questions as to Applicant's use of support vessels and gears.

In light of the need to resolve these issues and pending further actions by Applicant, the Board, on its own motion, decided to defer decision and continue the discussion at its January 26, 2007 meeting.

In her amended application as received by staff on January 17, 2007, Applicant withdrew her request for allowing archeological research and Native Hawaiian cultural activities. However, Applicant does request that she be allowed to participate in otherwise permitted Native Hawaiian cultural activities in a management capacity as the Superintendent or official of the Monument office. Applicant also provided further explanation on her proposed activities that may not be management-related:

“Managers or their scientific designees may, on rare occasions, need to conduct field work and make field collections with very little advance warning. Examples include responses to events which cannot be predicted or anticipated, such as coral bleaching events, coral disease outbreaks, identification of significant quantities of alien/invasive species ..., conducting enforcement-

related activities, and the current situation involving a vessel impact and subsequent fuel spill at Midway. Such events, including the pre-assessment and assessment of a vessel grounding with the Responsible Party, would not constitute emergencies in the sense of an immediate threat to life or property, and thus would not necessarily be covered by an emergency exemption from usual permit application requirements. Nevertheless, the time sensitivity of such field work would not be compatible with the proposed permit process which requires months of review and consultation in advance of the proposed activities.”

“There is no intention that the manager’s permit will constitute a substitute for the permit review process for normal research and monitoring activities. Permit applications will be submitted for any research, education and Native Hawaiian activities conducted by the Monument. In addition, regular monitoring activities (e.g. RAMP) will also be covered under separate permit applications.”

Cultural Reviews:

This permit application has been brought to the attention of the State NWHI Cultural Working Group and some Native Hawaiians from different agencies and organizations, including the Office of Hawaiian Affairs, Center for Hawaiian Studies, and Kaho‘olawe Island Reserve Commission. It was also one of the major discussion topics in the NWHI Cultural Working Group Meeting that was held on September 5, 2006. Applicant and her staff were present and briefed the group on that application and the agency’s long-term activity planning for the NWHI. All members of the Cultural Working Group present in the meeting were of opinions that gave overwhelming supports for Applicant’s application and the Monument’s mission in the NWHI.

On December 21, staff received formal comments from the Office of Hawaiian Affairs, which expressed supports for the FWS mission in the NWHI area and encourages further collaborations among the co-trustees and sharing of “the mandates and jurisdictions involved in the preservation of the natural and cultural resources of the NWHI”.

STAFF OPINION:

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for her application, and that she and her staff should be allowed to enter the NWHI State waters and to conduct the management activities therein as specified in the application with the following special instructions and conditions, which are in addition to the General Conditions imposed by the Application Guidelines:

1. Allow Applicant’s management activities and vessel operations as specified in the permit application at the State waters surrounding Nihoa Island, Necker Island (Mokumanamana), French Frigate Shoals, Laysan, Maro, Gardner Pinnacles, Lisianski Island, Neva Shoal, Pearl and Hermes Atoll, and the Kure Atoll State Wildlife Refuge. The permit shall cover the period from February 1, 2007 to December 31, 2007.

2. Require Applicant to inform and consult with DAR of their cruise plan before each of their trips to the NWHI and submit a post-cruise report to DAR within thirty (30) days after each trip during the year.
3. Allow the following activities as consistent with Applicant's management purposes: entering the Refuge waters, anchoring and landing, small vessel operations, swimming, snorkeling and or SCUBA diving, and participating in other permitted activities such as cultural and education activities when acting as a Monument representative in a management capacity.
4. Allow Applicant to engage in emergency response activities as needed to address immediate threats to the resources of the Monument, or to personal lives or property. In such cases, Applicant may take any necessary actions, including those listed under Section 5 hereunder and other activities as summarized in this submittal, without the need for separate permits or amendments, but shall inform and consult with DAR in a timely manner.
5. Direct that the following activities that are not emergency responsive in nature shall require prior approval either by DAR in the form of a permit amendment or by the Board in the form of a separate permit, as deemed appropriate by the staff in response to Applicant's request:
 - Taking or harvesting,
 - Possessing and transporting specimens,
 - Catching, killing, disturbing, observing wild animals,
 - Intentionally interacting with sea turtles, monk seals, seabirds, live coral, ark shells or pearl oysters, jacks, grouper or sharks, and
 - Other scientific research, monitoring or education projects or activities.
6. Direct that all forms of fishing, no matter for subsistence, sustenance, commercial or recreational purposes, are prohibited in State waters.
7. All vessel support activities as related to Applicant's activities under this permit, except those directly related to emergency response actions, shall require a separate permit approved by the Board on a separate, appropriate application.

RECOMMENDATION:

"That the Board authorize to issue, with stated conditions, a NWHI State Marine Refuge Special Activity Permit to Ms. 'Aulani Wilhelm of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Northwestern Hawaiian Islands Marine National Monument, for access and certain management activities within the designated State waters of the NWHI State Marine Refuge from February 1, 2007 through December 31, 2007."

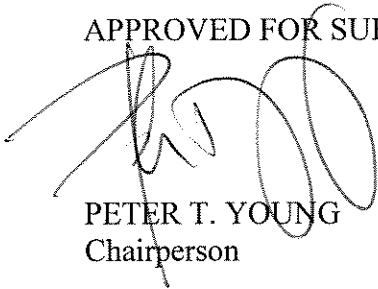
January 26, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Polhemus', written in a cursive style.

DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL

A handwritten signature in black ink, appearing to read 'Peter T. Young', written in a cursive style.

PETER T. YOUNG
Chairperson

APPENDIX 1

**State of Hawai'i
DLNR
Northwestern Hawaiian Islands State Marine
Refuge
Permit Application Form**

For Office Use Only

Permit No:

Expiration date:

Date Appl. Received: 01/17/2007

Appl. Fee received: N/A

NWHI Permit Review Committee date: 11/16/06

Board Hearing date: 01/26/2007

Post to web date: 01/19/2007

Type of Permit

- ☐ I am applying for a **Research, Monitoring & Education** permit. (Complete and mail Application)
- ☐ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.
- ☐ I am applying for a permit for a **Native Hawaiian** permit. (Complete and mail Application)
- ☐ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.
- ☒ I am applying for a **Special Activity** permit. (Complete and mail Application)
- ☒ This application is for a NEW project in the State Marine Refuge.
- ☐ This application is for an ANNUAL RENEWAL of a previously permitted project in the State Marine Refuge.

Briefly describe **Special permit** activity:

This is a Special Activity permit application to perform management activities within the Northwestern Hawaiian Islands State Marine Refuge in support of Co-Trustee priorities of the Northwestern Hawaiian Islands Marine National Monument.

When will the NWHI activity take place?

- ☐ **Summer** (May-July of ____ (year))
Note: Permit request must be received before February 1st
Specific dates of expedition _____
- ☐ **Fall** (August-November) of ____ (year)
Note: Permit request must be received before May 1st
Specific dates of expedition _____

- ☒ **Other** 1 January 2007 through 31 December 2007.


NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Please Send Permit Applications to:

NWHI State Marine Refuge Permit Coordinator
State of Hawai'i
Department of Land and Natural Resources
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i 96813

NWHI State Marine Refuge Permit Application
See Appendix 2 for Application Instructions

Section A – Applicant Information

1. Project Leader (attach Project Leader's CV or resume) <input checked="" type="checkbox"/> CV attached Wilhelm, T. Aulani Name: Last, First, Middle Initial		Superintendent Title
2. Mailing Address (Street/PO Box, City, State, Zip) Northwestern Hawaiian Islands Marine National Monument 6600 Kalaniana'ole Hwy, Suite 300 Honolulu, HI 96825		Telephone (808) 397-2660 Fax (808) 397-2662 Email Address Aulani.Wilhelm@noaa.gov
3. Affiliation (Institution/Agency/Organization) National Marine Sanctuary Program National Ocean Service National Oceanic and Atmospheric Administration		For graduate students, Major Professor's Name & Telephone N/A
4. Sub-Permittee/Assistant Names, Affiliations, and Contact Information <input type="checkbox"/> CV or resume attached Allen Tom, Randall Kosaki, Malia Chow, Andy Collins, Sean Corson, Moani Pai, Emily Fielding, Hoku Johnson, Kevin Grant, Kekuwa Kikiloi, Keeley Belva, Kelly Gleason, Hans Van Tilburg, Kaylene Keller, Yumi Yasutake, Thomas Friel, John Champagne, Virginia Branco, Marlene Nonaka, Linda Schubert, Stephanie Lachance and additional specified individuals subject to pre-approval by the Monument Management Board Representative from the State of Hawaii Department of Land and Natural Resources and authorized in writing by the Monument Superintendent.		
5. Project Title To conduct management activities within the Northwestern Hawaiian Islands State Marine Refuge in support of Co-Trustee priorities of the Northwestern Hawaiian Islands Marine National Monument.		
6. Applicant Signature 		7. Date (mm/dd/yyyy) 01/16/2007

Section B: Project Information

8. (a) Project Location

☒ NWHI State Marine Refuge (0-3 miles) waters surrounding:

- ☒ Nihoa Island
- ☒ Necker Island (Mokumanamana)
- ☒ French Frigate Shoals
- ☒ Laysan
- ☒ Maro
- ☒ Gardner Pinnacles
- ☒ Lisianski Island, Neva Shoal
- ☒ Pearl and Hermes Atoll
- ☒ Kure Atoll, State Wildlife Refuge
- ☐ Other NWHI location

Describe project location (include names, GPS coordinates, habitats, depths and attach maps, etc. as appropriate).
 Application for activities to be conducted within the Hawaii State Marine Refuge at all above specified locations for the purposes of resource protection, conservation, management and monitoring in accordance with NWHI Hawaii State Marine Refuge Administrative Rules and Presidential Proclamation 8031.

(b) check all actions to be authorized: NOTE: These actions are to be conducted for the purposes of resource protection, conservation, management, and monitoring, in accordance with NWHI Hawaii State Marine Refuge Administrative Rules and Presidential Proclamation 8031. For a detailed explanation on the request for actions to be authorized, please see number 9 below.

☒ Enter the NWHI Marine Refuge waters

☒ Take (harvest)

☒ Possess

☒ Transport (☐ Inter-island ☐ Out-of-state)

☒ Catch

☒ Kill

☒ Disturb

☒ Observe

☒ Anchor

☒ Land (go ashore)

☐ Archaeological research

☒ Interactions with Sea Turtles or Monk Seals

☒ Interactions with Seabirds

☒ Interactions with Live Coral, Ark Shells or Pearl Oysters

☒ Interactions with Jacks, Grouper or Sharks

☐ Conduct Native Hawaiian religious and/or cultural activities

☒ Other activities: Participate in other permitted activities (e.g. cultural, education, etc.) as a Monument representative in a management capacity.

(c) Collection of specimens – collecting activities (would apply to any activity): Will be determined on a case-by-case basis as necessary.

Organisms or objects (List of species, if applicable, add additional sheets if necessary):

Common name	Scientific name	No. & size of specimens	Collection Location(s)
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Will be determined on a case-by-case basis as necessary. Approval for all collections will be sought from all Co-Trustee Monument Management Board Representatives.

(d) What will be done with the specimens after the project has ended?

Any species collected would remain property of the State of Hawaii or applicable Co-Trustee agency and only used for specified purposes.

(e) Will the organisms be kept alive after collection? ☐ yes ☐ no See section c.

• Specific site/location _____

• Is it an open or closed system? ☐ open ☐ closed

• Is there an outfall? ☐ yes ☐ no

• Will these organisms be housed with other organisms? If so, what are the other organisms?

It is unlikely that specimens will be kept alive unless necessary for management and approval would be sought from all Co-Trustee Monument Management Board Representatives.

(Please attach additional documentation as needed to complete the questions listed below)

9. Purpose/Need/Scope:

- State purpose of proposed activities:

This application is for a manager's permit to conduct activities only for the purposes of resource protection, conservation, management and monitoring. Managers or their scientific designees may, on rare occasions, need to conduct field work and make field collections with very little advance warning. Examples include responses to events which cannot be predicted or anticipated, such as coral bleaching events, coral disease outbreaks, identification of significant quantities of alien/invasive species (e.g. the *Hypnea* found at Mokumanama in 2005, assessment and follow-up of the M/V Casitas grounding site in 2005, and coral bleaching disease work conducted in 2002), conducting enforcement-related activities, and the current situation involving a vessel impact and subsequent fuel spill at Midway. Such events, including the pre-assessment and assessment of a vessel grounding with the Responsible Party, would not constitute emergencies in the sense of an immediate threat to life or property, and thus would not necessarily be covered by an emergency exemption from usual permit application requirements. Nevertheless, the time sensitivity of such field work would not be compatible with the proposed permit process which requires months of review and consultation in advance of the proposed activities. There is no intention that the manager's permit will constitute a substitute for the permit review process for normal research and monitoring activities. Permit applications will be submitted for any research, education and Native Hawaiian activities conducted by the Monument. In addition, regular monitoring activities (e.g. RAMP) will also be covered under separate permit applications.

This application is intended to cover all activities necessary to effectively manage the NWHI Marine National Monument. All activities to be conducted in the NWHI State Marine Refuge will be done in accordance with the Permitting Procedures, Criteria and Findings contained in Presidential Proclamation 8031, Northwestern Hawaiian Islands Hawaii State Marine Refuge Administrative Rules and the National Wildlife Refuge System Administration Act of 1966.

The scope of these activities is as follows:

1. Entrance into the State Marine Refuge by all authorized NOAA vessels conducting management activities under this permit.
2. Any activity when a necessary part of an emergency response, injury assessment, mitigation, restoration, and monitoring, in coordination with appropriate Federal or State resource agencies in accordance with the Permitting Procedures, Criteria and Findings contained within Proclamation 8031 and the NWHI Hawaii State Marine Refuge Administrative Rules. These activities may include the following:
 - a. Anchoring of authorized vessels on non-coral substrate only;
 - b. Touching coral, living or dead, for the purposes of resource protection, conservation, management and monitoring;
 - c. The returning of seized State Marine Refuge and/or Monument resources to their natural environment in coordination with appropriate Federal or State resource agencies, and consistent with applicable legal authorities;
 - d. Removal of exotic species by appropriate and necessary methods in coordination with appropriate Federal or State resource agencies, and consistent with applicable legal authorities;
 - e. Removal or relocation of protected species, as necessary to prevent adverse impacts on populations, to be conducted in coordination with appropriate Federal or State resource agencies, and consistent with applicable legal authorities;
 - f. Removal of debris left behind from moorings, fishing and research activities or vessel groundings;
 - g. Altering non-coral substrate other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands including the following:
 - Placement of measuring devices and related equipment;
 - Placement of weighted floats and/or lines affixed directly to the seabed for the purposes of grounding response, or benthic surveys
 - Setting of survey stakes;
 - Coring the seabed to determine adequacy of the substrate of installation of moorings, and permanent monitoring stations

<ul style="list-style-type: none"> • Installation and maintenance of moorings, boundary buoys, and permanent monitoring stations; • Manipulation, relocation, or removal of coral rubble for the purposes of determining suitability of equipment for response and restoration operations; • Placement of scientific equipment and; <p>h. When necessary, swimming, snorkeling, or closed or open SCUBA diving to accomplish the above activities.</p> <p>The above activities will only be conducted for the purposes of resource protection, conservation, management and monitoring, in accordance with the Permitting Procedures, Criteria and Findings contained within Presidential Proclamation 8031 and NWHI Hawaii State Marine Refuge Administrative Rules.</p>
<p>Describe how your proposed activities will help provide information or resources to fulfill the State Marine Refuge purpose and to reach the Refuge goals and objectives.</p> <p>NOAA will perform coordinated management of the NWHI Hawaii State Marine Refuge, the NWHI Marine National Monument and the Hawaiian Islands National Wildlife Refuge to ensure proper care, protection and preservation of historic and scientific resources.</p> <ul style="list-style-type: none"> • Give reasons why this activity must take place in the NWHI and cannot take place in the Main Hawaiian Islands, or elsewhere. <p>This application is for management activities and support operations in the NWHI and therefore cannot take place elsewhere.</p>
<ul style="list-style-type: none"> • Describe context of this activity, include history of the science for these questions and background. <p>Executive Order 13089 of June 11, 1998 and Executive Order 13178 of December 4, 2000 and Executive Order 13196 of January 18, 2001 created the NWHI Coral Reef Ecosystem Reserve. These respective Executive Orders as well as the process for designation of a National Marine Sanctuary identified the NWHI as an area with extreme historical, cultural and biological significance, deserving the highest forms of preservation and protection. Presidential Proclamation 8031 was issued on June 15, 2006 establishing the NWHI Marine National Monument, thereby preserving the marine islands and certain lands as necessary for the care and management of historic and scientific objects therein.</p> <p>The recent signing of the Memorandum of Agreement on December 8, 2006 explicitly states that all management actions must be coordinated under the guidance of the Co-trustee agencies: Department of Commerce, Department of Interior and State of Hawaii. Under this agreement, NOAA is requesting authorization through this permit request to conduct management-related activities within the Monument.</p>
<ul style="list-style-type: none"> • Explain the need for this activity and how it will help to enhance survival or recovery of refuge wildlife and habitats. <p>NOAA will perform coordinated management of the NWHI Hawaii State Marine Refuge, the NWHI Marine National Monument and the Hawaiian Islands National Wildlife Refuge to ensure proper care, protection and preservation of historic and scientific resources.</p>
<ul style="list-style-type: none"> • Describe how your proposed project can help to better manage the State Marine Refuge. <p>NOAA will perform coordinated management of the NWHI Hawaii State Marine Refuge, the NWHI Marine National Monument and the Hawaiian Islands National Wildlife Refuge to ensure proper care, protection and preservation of historic and scientific resources.</p>
<p>10. Procedures (include equipment/materials)</p> <p>The above activities will be conducted by NOAA NWHI staff under the direction and administrative control of the Monument Superintendent in accordance with Presidential Proclamation 8031, the National Wildlife Refuge System Administration Act of 1966, as amended and the State Marine Refuge Administrative Rules.</p>
<p>11. Funding sources (attach copies budget & funding sources).</p> <p>All funding is secured on an annual basis through the United States Federal Government. No attachments are included.</p>
<p>12. List all literature cited in this application as well as all other publications relevant to the proposed project.</p> <p>N/A</p>

<p>13. What types of insurance do you have in place? (attach documentation)</p> <p>Any authorized vessel will comply with required insurance requirements and documentation of such will be forthcoming.</p> <p><input checked="" type="checkbox"/> Wreck Removal</p> <p><input checked="" type="checkbox"/> Pollution</p>			
<p>14. What certifications/inspections do you have scheduled for your vessel? (attach documentation)</p> <p>These inspections will be scheduled for authorized vessels for dates closer to the departure dates to better ensure that no introductions of alien species are made after the inspections and before entering the NWHI Hawaii State Marine Refuge. Scott Godwin, HIMB, will conduct the Hull inspection, tender vessel inspection, and ballast water inspection.</p> <p><input checked="" type="checkbox"/> Rat free <input checked="" type="checkbox"/> tender vessel <input checked="" type="checkbox"/> gear/equipment</p> <p><input checked="" type="checkbox"/> Hull inspection <input checked="" type="checkbox"/> ballast water</p>			
<p>15. Other permits (list and attach documentation of all other required Federal or State permits).</p> <p>A federal Monument Conservation and Management permit has been issued (NWHIMNM-2006-001). Subsequent permit applications will be submitted annually for management activities in support of Co-Trustee priorities of the Northwestern Hawaiian Islands Marine National Monument.</p>			
<p>16. Project's relationship to other research projects within the NWHI State Marine Refuge, National Wildlife Refuge, NWHI Coral Reef Ecosystem Reserve, or elsewhere. N/A</p>			
<p>Section C: Logistics</p>			
<p>17. Time Frame:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p>Project Start Date</p> <p>1 January 2007</p> </td> <td style="width: 50%; padding: 5px;"> <p>Project Completion Date</p> <p>31 December 2007</p> </td> </tr> </table> <p>Dates actively inside the State Marine Refuge.</p> <p>1 January 2007 – 31 December 2007</p>		<p>Project Start Date</p> <p>1 January 2007</p>	<p>Project Completion Date</p> <p>31 December 2007</p>
<p>Project Start Date</p> <p>1 January 2007</p>	<p>Project Completion Date</p> <p>31 December 2007</p>		
<p>Personnel schedule in the State Marine Refuge (describe who will be where and when).</p> <p>NWHI Marine National Monument personnel or maintenance and logistical support contractors may be within the NWHI Hawaii State Marine Refuge at the following locations anytime throughout the year for NWHI Marine National Monument Management purposes:</p> <p>The waters surrounding Nihoa Island</p> <p>The waters surrounding Necker Island</p> <p>The waters of French Frigate Shoals</p> <p>The waters of Maro Reef</p> <p>The waters surrounding Gardner Pinnacles</p> <p>The waters surrounding Laysan Island</p> <p>The waters of Neva Shoals (Lisianski Island)</p> <p>The waters of Pearl and Hermes Atoll</p> <p>The waters surrounding Kure Atoll</p>			
<p>18. Gear and Materials N/A</p> <p><input type="checkbox"/> Dive equipment <input type="checkbox"/> Radio Isotopes</p> <p><input type="checkbox"/> Collecting Equipment <input type="checkbox"/> Chemicals (specify types)</p>			
<p>19. Fixed installations and instrumentation. N/A</p> <p><input type="checkbox"/> Transect markers <input type="checkbox"/> Acoustic receivers</p>			

<input type="checkbox"/> Other (specify) _____
20. Provide a time line for sample analysis, data analysis, write-up and publication of information. N/A
21. Vessel Information: Information for this section cannot be supplied at this time. The following information will be submitted formally prior to any departure for the NWHI Hawaii State Marine Refuge.
Vessel Name _____ IMO Number _____ Vessel Owner _____ Flag _____ Captain's Name _____ Chief Scientist or Project Leader _____ Vessel Type _____ Call sign _____ Length _____ Gross tonnage _____ Port of Embarkation _____ Last port vessel will have been at prior to this embarkation _____ Total Ballast Water Capacity: Volume _____ m3 Total number of tanks on ship _____ Total Fuel Capacity: _____ Total number of fuel tanks on ship _____ Other fuel/chemicals to be carried on board and amounts: Number of tenders/skiffs aboard and specific type of motors: Does the vessel have the capability to hold sewage and grey-water? Describe in detail. Does the vessel have a night-time light protocol for use in the NWHI? Describe in detail (attach additional pages as necessary)
On what workboats (tenders) will personnel, gear and materials be transported within the State Marine Refuge?
How will personnel, gear and materials be transported between ship and shore? This information will be provided once authorized vessels are designated.
If applicable, how will personnel be transported between islands within any one atoll?

BIOGRAPHICAL DATA

T. 'Aulani Wilhelm

T. 'Aulani Wilhelm has been involved in conservation and management issues in Hawai'i for the past twelve years. Ms. Wilhelm is currently Superintendent for the National Oceanic and Atmospheric Administration's (NOAA) Northwestern Hawaiian Islands Marine National Monument, the largest single conservation area under US flag and the world's largest protected marine area.

Prior to this, she served as the Acting Superintendent and previously served as the acting Reserve Coordinator of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, providing continuity of management and operations for the project since 2000.

Preceding her work at NOAA, Ms. Wilhelm served for six years as the special assistant to the director and public information officer at the Hawaii Department of Land and Natural Resources, where she was involved in numerous terrestrial and marine planning and policy initiatives.

She has served on the Board of many conservation projects and is well-recognized leader in the protection and perpetuation of Hawaii's natural and cultural resources.